

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.C.E.S – Regularization of services of erstwhile Hyderabad Allwyn Limited re-deployed employees in the O/o Commissioner of Collegiate Education, A.P., Hyderabad w.e.f. 03-05-1993 – Appeal dated 30-03-2010 filed by the Vice-President, Re-deployed Hyderabad Allwyn (Ministerial) Staff Association, Hyderabad against the Proceedings of the C.C.E in Lr.Rc.No.174/OP-I-1/2009, dated 18-03-2010 – Allowed – Orders – Issued.

HIGHER EDUCATION (CE-I-2) DEPARTMENT

G.O.Rt.No. 736

Dated 01st October, 2011

Read the following:-

01. G.O.Rt.No.384, I & C (PE CELL) Dept., dated 31-03-1993.
02. G.O.Ms.No.180, I & C (PE CELL) Dept, dated 28-04-1993.
03. Procs. of the C.C.E., in Rc.No.1065/Estt.1/93, dt. 12-05-93.
04. Hon'ble A.P.A.T. orders dated 12-09-2008 passed in O.A.No.6243 and batch.
05. G.O.Ms.No.77, I & C (IFR-II) Dept., dated 26-02-2009.
06. Government Memo.No.5384/IFR-II/09, dated 25-05-2009
07. C.C.E's Procdgs. Rc.No.174/OP-I-1/2009, dated 18-03-2010.
08. Govt. Memo.No.3789/CE-I-2/2010-1, dated 23-03-2010.
09. Appeal dated 30-03-2010 filed by the Vice-President, The Re-deployed Hyderabad Allwyn (Ministerial) Staff Association, Hyderabad.
10. From the C.C.E., Lr.Rc.No.174/OP-I-1/2009, dt.27-05-2010.
11. Govt. Memo.No.3789/CE-I-2/2010-5, dated 31-01-2011.
12. From C.C.E., A.P., Hyderabad, Lr.Rc.No.174/OP.I-1/2009, dated 24-06-2011.

- - - -

ORDER:-

Consequent to amalgamation of 'Hyderabad Allwyn Limited with M/s.Voltas Limited, Government vide G.O. 1st read above, among other things, have issued orders, prescribing the modalities for placement of 1486 employees of M/s. Hyderabad Allwyn Limited (HAL) in various Govt. Depts.

2. In G.O 2nd read above, orders were issued for creation of supernumerary posts in various categories in Govt. Depts. and prescribed detailed procedure for drawal and disbursement of salaries to these employees. The HODs to whom the individuals were allotted were directed to admit them to duty and issue temporary posting orders to them in a suitable need based manner, in their own Offices or in their Subordinate Offices located within the twin cities, immediately after reporting of the individuals. Altogether 58 Allwyn re-deployed staff were allotted to O/o C.C.E., A.P., Hyderabad, for placement. The C.C.E., vide his Proceedings Rc.No.1065/Estt.1/93, dated 12-05-1993, has issued posting orders to these 58 re-deployed employees against the supernumerary posts created for the purpose, with effect from 03-05-1993.

3. The erstwhile employees of M/s. Hyderabad Allwyn Limited, have approached the Hon'ble A.P.A.T. in O.A.No.6243 and batch, assailing certain clauses in G.O.Ms.No.87, I & C (IFR-II) DEPT., dated 24-03-2003 and G.O.Ms.No.337, I & C (IFR-II) DEPT., dated 17-11-2003, where under they are categorized as special class employees, but not as Government servants and denied promotions, pay scales of Government Employees and Pension etc. The Hon'ble A.P.A.T in its orders dated 12-09-2008, *have directed the State to treat all these employees as regular Government Servants and extend all the benefits to which they are eligible just like other regular Government Servants with all consequential benefits.*

4. Keeping in view the A.P.A.T orders dt.12-09-2008, Govt. have examined the request of the re-deployed employees of HAL and issued the following orders in G.O.Ms.No.77, I & C (IFR-II) DEPT., dt 26-02-2009: -

[P.T.O]

- a. Consequent upon the winding up of the Hyderabad Allwyn Limited and such of the employees appointed in various Govt. Depts. / Offices against the supernumerary posts on and from 03-05-1993 be treated as A.P.State Govt. Employees on par with employees working in such equivalent categories in those departments.
- b. The order in item (a) above shall be subject to fulfillment of qualifications prescribed in the special rules for such equivalent post in Govt. Depts., subject to however not insisting upon the maximum age, qualification prescribed for each such category of posts on and from 03-05-1993.
- c. The employees now absorbed on and from 03-05-1993 against supernumerary posts created shall be adjusted in the next last regular vacancies that may arise on or after 03-05-1993 in the respective dept., duly abolishing the supernumerary posts created on that basis.
- d. On such absorption, if any special rule provides for passing of departmental tests / trainings, the employee now considered to be absorbed, be asked to pass such tests / trainings within a period of 2 years from the date of issue of this order.
- e. On such absorption, subject to qualifications these employees, who are eligible for inclusion of their names in the list of cadre strength / seniority list of each category shall be below the last regular candidate already appointed by the respective departments, as on 03-05-1993 and on that basis they are entitled for promotion to higher post, as per rules, subject to however giving show cause notice to those employees who are likely to be affected.

5. The C.C.E. in his Proceedings 7th read above, regularized the services of 48 re-deployed employees of erstwhile Hyderabad Allwyn Limited working against the supernumerary posts in the O/o C.C.E, treating as A.P.State Government Employees by absorbing them in the posts of Sr.Asst. / Jr.Asst. / R.A / Attender / Watchman / Sweeper as the case may be w.e.f. their date of joining duty i.e. 03-05-1993 / 10-05-1993, subject to abolition of excess posts / supernumerary posts [against the sanctioned strength] wherein the re-deployed employees are absorbed. The said proceedings of C.C.E were suspended by the Government pending examination of the issue vide reference 8th read above.

6. In the reference 9th read above, the Vice-President, Re-deployed Hyderabad Allwyn (Ministerial) Staff Association, Hyderabad, has filed an appeal petition dated 30-03-2010 against the Proceedings of the C.C.E., A.P., Hyderabad, issued in the reference 7th read above with a request to (i) to absorb all the re-deployed employees who are presently in the O/o C.C.E., w.e.f. 03-05-1993 (ii) To absorb Sri Ashok Philip, Supervisor (Commercial) in the equivalent post of Superintendent in the O/o C.C.E on par with similarly placed employees and (iii) to absorb the services of Sri K.Laxminarayana and Sri B.Gunda Rao as Jr.Assts., based on similar precedents.

7. The C.C.E., A.P., Hyderabad, in his Letters 10th and 12th read above, among other things, has stated that there are a good number of teaching and non-teaching posts vacant in the GDCs located in the twin cities and to extent possible, the re-deployed staff are posted against vacant posts existing in GDCs located in twin cities and the remaining staff are accommodated in the Head Office. Out of 48 re-deployed Allwyn Staff, 25 employees are posted in GDCs and the remaining 23 staff are posted in the O/o C.C.E. Further, if all the re-deployed Allwyn Staff are posted in O/o C.C.E., the number of supernumerary posts will unnecessarily increase and at the same time, the vacant posts in GDCs of twin cities will remain vacant. He also stated that keeping in view the education qualifications and the pay scale etc., they were absorbed in the corresponding categories. The C.C.E., has requested the Government to revoke the suspension orders issued in Proceedings Rc.No.174/OP-I-1/2009, dated 18-03-2010.

8. The O/o C.C.E. NGO's Association in their representation dated 10-04-2010, has contended that if the orders issued in G.O.Ms.No.77, I & C (IFR-II) DEPT., dated 26-02-2009 is implemented, it will adversely affect the seniority / promotions of regular Govt. employees and therefore, requested for absorption of the re-deployed Allwyn Staff w.e.f. 26-02-2009 i.e. the date of issue of orders in G.O.Ms.No.77, dated 26-02-2009 by counting their seniority from the said date, instead of 03-05-1993.

9. Government have examined the appeal petition dated 30-03-2010 filed by the Re-deployed Hyderabad Allwyn (Ministerial) Staff Association, Hyderabad, against the proceedings of the C.C.E., issued in Procdgs. Rc.No.174/OP-I-1/2009, dated 18-03-2010 keeping in view the orders issued by the Government in G.O.Ms.No.77, I & C (IFR-II) DEPT., dt.26-02-2009 read with Government Memo.No.5384/IFR-II/09, dated 25-05-2009 and observed that out of the 48 re-deployed employees, who are working in the O/o C.C.E., A.P., Hyderabad, the services of 23 employees have been regularized in the O/o C.C.E., and the services of the remaining 25 employees have been regularized and absorbed against the vacancies available in the Government Degree Colleges in twin cities i.e. City Cadre. The absorption and posting of re-deployed employees falling under the category of Class-IV in Government Degree Colleges is justified on administrative reasons.

10. The following four re-deployed employees have been working for the last 17 years in various sections of the Office of the Commissioner of Collegiate Education, A.P., Hyderabad and gained experience in Office / Departmental Procedures. Their experience can be better utilized in the Head Office i.e. O/o C.C.E., A.P., Hyderabad. But the services of the following four individuals were regularized and absorbed in the posts of Government Degree College in 'City Cadre', though there are sufficient number of posts vacant in the category of Senior Assistants / Junior Assistants and Typists in the O/o C.C.E., as reported in 'Status Report' submitted to Government, which is not justified:-

Sl. No.	Name of the individual [Sarvasri]	Category
01.	Ashok Philips	Senior Assistant
02.	Ch.China Mohammed	Junior Assistant
03.	K.Laxminarayana	Record Assistant
04.	B.Gunda Rao	Record Assistant

11. In terms of orders issued in G.O.Ms.No.77, I & C (IFR-II) DEPT., dt.26-02-2009, the services of the re-deployed employee have to be absorbed in equivalent posts to be decided on the basis of educational qualifications, scale of pay, designation and past service rendered in erstwhile Hyderabad Allwyn Limited, as envisaged in G.O.Ms.No.180, I & C (PE -CELL) Dept, dated 28-04-1993. Sri Ashok Philips was initially appointed as Junior Assistant in erstwhile Hyderabad Allwyn Limited during the year 1981. He was promoted as Senior Assistant in the year 1989 and as Supervisor (C) in the year 1991. He rendered 12 years of service in Hyderabad Allwyn Limited prior to his transfer to Government department on 03-05-1993. Further, the individual possesses educational qualifications of B.Sc / LL.B and LL.M and the scale of pay of the individual at the time of absorption was Rs.1340-2280 (RPS, 1986). The scale of Pay of a Government Servant in the cadre of Superintendent as on 03-05-1993 was Rs.1330-2630. This being the position, the services of Sri Ashok Philips, Supervisor (C), were absorbed in the post of Senior Assistant, in 'City Cadre' i.e. Government City College, Hyderabad w.e.f. 03-05-1993, which is not correct. Considering all the factors, the individual has to be absorbed in the equivalent post of Superintendent. Further, the objections raised by the NGO's Associations of O/o C.C.E., A.P., Hyderabad, against the regularization process initiated by the Government is devoid of any merit and deserves no consideration, since all legal forums have ordered that the re-deployed employees be treated as regular Government Servants w.e.f. 03-05-1993 and they are eligible for all consequential benefits including seniority and promotions.

12. Government have examined the appeal petition dated 30-03-2010 filed by the Vice-President, Re-Deployed Hyderabad Allwyn Limited (Ministerial) Staff Association, carefully, and decided to allow the appeal petition partly and further order as follows: -

- i. The services of the following four individuals be absorbed / regularized in the Office of Commissioner of Collegiate Education, A.P., Hyderabad w.e.f. 03-05-1993 and posted in the Head Office: -
 1. Sri Ashok Philips.
 2. Ch.China Mohammed
 3. K.Laxminarayana
 4. B.Gunda Rao
- ii. The services of Sri Ashok Philips, Supervisor (C) be absorbed in the equivalent post of Superintendent in the O/o Commissioner of Collegiate Education, A.P., Hyderabad, w.e.f. 03-05-1993.
- iii. The suspension imposed on C.C.E's Proceedings issued in Rc.No.174/OP-I-1/2009, dated 18-03-2010, vide Memo. No.3789/CE-I-2/2010-1, dated 23-03-2010 is hereby revoked with immediate effect. The Commissioner of Collegiate Education, A.P., Hyderabad, shall issue revised orders to the above said four individuals and send 'Compliance Report' to Government.
- iv. The absorption and postings of re-deployed employees falling under the category of Class-IV in Government Degree Colleges is justified on administrative reasons. Therefore, the proceedings issued by C.C.E in Rc.No.174/OP-I-1/2009, dated 18-03-2010 in respect of this category shall remain un-altered.
- v. The Commissioner of Collegiate Education, A.P., Hyderabad, shall take immediate action to complete the process of regularization of the services of re-deployed employees in regard to consequential benefits such as Seniority, Promotion etc. with effect from 03-05-1993, duly following the guidelines laid down in G.O.Ms.No.77, I & C (IFR-II) DEPT., dated 26-02-2009, within a period of one month from the date of issue of this order.

13. This order issues with the concurrence of Finance (PC-III) Department vide their U.O.No.36280/766/A1/PC-III/2010, dated 05-01-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

Copy to:-

The Accountant General, Andhra Pradesh, Hyderabad.

The OSD to Hon'ble Deputy Chief Minister.

The Vice-President, the Re-deployed Hyderabad Allwyn (Ministerial) Staff Association, 1-1-231/2, 1st Floor, Near Vani Medical Hall, Chikkadpally, Hyderabad – 20.

The Finance [PC-III] Department.

The Industries and Commerce [IFR-II] Department.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER